

MEETING NOTES
COMMUNITY INVOLVEMENT ADVISORY COUNCIL

June 2, 2016

Smyrna Area Rest Stop
Smyrna, Delaware

Members Present: Jason Adkins, Joseph Farrell, Anthony Jay Julis, Sarah Keifer, Pamela Meitner, LaVaida Owens-White, William Pelham, Marvin Thomas

Members Absent: Robert Frederick, Harold Truxon, Leolga Wright

DNREC: James Brunswick, Patrick Emory, Nicole Bixby, Christina Wirtz, Michelle Jacobs

I. Meeting Called to Order

Mr. Pelham called the meeting to order at 9:35 a.m.

II. Meeting Protocol Review

Each Member read a point of the Council's protocol.

III. Review/Approval of Meeting Notes

MOTION was made by Mr. Anthony Jay Julis to approve the April 7, 2016 meeting notes and a second was made by Ms. Sarah Keifer. All in favor and the motion carried.

IV. Membership Updates

James advised that Joe Farrell and Harold Truxon will be stepping down and both are in Sussex. Mr. Anthony Jay Julis has been reappointed to the council. There will be open positions in the near future and the Governor's office will seek to fill. Mr. Pelham asked if someone would see if Mr. Truxon had any suggestions on possible replacements.

V. Meeting Recording Law

James handed out the meeting recording law to all of the council members. This review was done by the Department of Justice (DOJ) and it recommends that should we have someone recording audio or video of a public body there have been no denials. DOJ advises that prohibiting it is risky and that area of law is gray. Some other departments have developed guidelines on recordings of meetings asking them to advise the body beforehand. Also, the visitors need to be encouraged to sit alongside and not at the main meeting table. There was discussion that an area needs to be designated on the visitor sign-in sheet if they intend to record it. Mr. Thomas asked what the concern is with people recording. James advised there have been instances that have shown up on the internet with that organizations spin on it. Mr. Truxon asked if the recording occurs, couldn't the council go into Executive Session. James advised no due to public meeting

guidelines. James advised they do have a right to record, but we need to know what is being recorded. Ms. Owens-White asked about the council recording the meetings and James advised we don't have the equipment and to do that there would also be a cost and retention process. Mr. Julis inquired if James could work up a list of a few guidelines and add it to the meeting protocol as well as add a place on the sign-in sheet for visitors to mark if they plan on recording any part of the meeting.

VI. Michelle Jacobs, DNREC Small Business Ombudsman

Michelle Jacobs gave an overview of what the Small Business Ombudsman position is responsible for. She gave a history on the position as well as a review of the programs that are provided for small businesses through DNREC. She explained that this position is also involved in the creation of regulations. These programs and positions are nationwide and other states have robust programs, while DNREC's is currently one position. She discussed how she works with different divisions and helps businesses come into Delaware knowing what they will be required to have concerning permits. She forwards information from the programs to small businesses, as well as Chamber of Commerce and other sections through outreach programs. This position is supposed to be focusing on dealing with Air Quality and Air regulations with the Title V program (which is large sources of air pollution). Michelle explained that some businesses will go out of compliance and she will work with the company and the different programs to help get them back into compliance. She also explained that she coordinates the Regulatory Advisory Service. This is where a new business wants to come into or expand in Delaware and she brings all of the divisions together for one meeting with the company and relays back what permits or requirements there would be for the business. All of the contacts made by the Small Business Ombudsman need to be tracked for the Title V program. Ms. Meitner inquired what the definition of a small business was. Michelle advised that all standards are different, but the EPA program lists it as 100 people or less. Mr. Thomas asked if a start-up company is required to use the service and if there was any cost associated with the service. Michele advised there is no requirement or cost to the company. Mr. Pelham asked if Michelle responds to an individual company request to come on site. Michelle advised it is easiest for a new business to come to DNREC through the Regulatory Advisory Service.

VII. Review Update to the Original CIAC Recommendations

James advised he is trying to take the role of the council and tie them into the original recommendations from 2001. The original recommendations came from the advisement committee that was put together. James advised there was a section that recommended trained staff to facilitate workshops and for several community assistance providers. James stated he wants to discuss Title VI and Public Involvement Plan when Kara Coats is in attendance. He handed out the 33 original recommendations with an update to the council members.

VIII. Community Ombudsman Report

A. Allen Harim Workshop

Mr. Farrell advised that this was a very difficult process with a lot of emotion. The department spent a lot of time on this issue. Mr. Farrell doesn't know if this is the best path with this approach. He stated there is a public hearing next week on June 9. Pat Emory advised the public hearing is different than the workshop. There is no question & answer. The hearing officer will ask for comments and keep the hearing open until a certain date and then the final report will come out. Pat advised that the department has concluded to hire a contractor to set these meetings up as a 3rd party to run future workshops. Pat also advised that the department had members of the Natural Resources Police present at the workshop. There were some shortfalls we saw as a department. Mr. Pelham inquired if it makes sense to bring in a facilitator. Mr. Farrell advised yes given the time spent and the emotions involved with the background. He also advised that the facilitator talk to the department staff in order to respond to the types of questions asked. He advised that during the workshop they lost a little bit of control due to co-hosting the workshop with the Harbeson Community Group. Mr. Farrell does believe that the Harbeson Community issues are being addressed by DNREC and Allen Harim. He advised that there are a lot of new people moving into the area that aren't aware the processing plant is even there. *Mr. Pelham made a motion that we the council appreciate Joe's participation for the past few years and ongoing consistent dedication and professionalism. Second by Ms. Meitner. All in favor. Motion carries.* James advised one good outcome was the quality of life issues are all being addressed following the meeting. Prison labor is coming to clean up the stream. The Legislators have Deldot and DSP out there for traffic control and clean up. Mr. Pelham stated that in the future maybe there can be some consideration given to recognize a corporation or community organization who have displayed some kind of outstanding cooperation to the DNREC mission in the form of a letter or plaque. Mr. Thomas inquired if the chicken plant came before the Small Business Ombudsman program for the odor. Michelle advised no because she does not enforce regulations and they already had their permits in place.

B. Community Engagement Internship

James advised the internship has been approved from DENIN to develop a contact list for community based organizations and identifying media outlets that the community use in order to do a better job at engaging the community. James advised there was only one applicant for the summer intern and that the recruitment is still open and it is not a paid internship. There is a possibility of recruiting a full academic year internship which would be paid. Pat advised there is a credit related issue also. Mr. Thomas asked if that applicant agreed to work for free would they be eligible for the full time internship after. James advised yes.

C. Ellendale Water District Project

James advised he has been working with this project. The County has submitted an application to have a water district serve Ellendale and the unincorporated area. The goal is to try to get a positive vote with the town and the unincorporated community. The focus is to emphasize the benefits that water district would create. Some elements are to bring the businesses together to show economic development. The population hasn't wavered since 1960 with no new businesses created. The town needs infrastructure in order to have growth. James advised the application was submitted on May 2 and he met with the Civic Association on May 23 where they agreed to create a committee to reflect the town, unincorporated area and the members of the town council along with someone from Sussex County. Mr. Pelham asked if there was a date in mind. James stated the grant will come with an announcement later this month. He advised they would like to assemble the committee by October so that they can begin the process and complete it within six months to create a report to go to Sussex County. James also advised that on September 30, the Ellendale Civic Improvement Association is honoring Mr. Truxon and they have asked for a list of council members.

IX. Deputy Secretary Kara Coats

James introduced Deputy Secretary Kara Coats. Kara stated she appreciated the council moving the time to not conflict with the senior leadership meetings in order for David Small or Kara to attend. She thanked the council for all they do as volunteers. She stated that CIAC touches everything that the department does. She also thanked the staff of Community Services for the support of CIAC. Kara advised that the role of the council is to advise the Secretary. Currently DNREC is working with representatives to work on ways to improve visitor encounters at the Dover R&R building through the LEAN process. She gave examples of different visitors that came to the department in this exercise and if DNREC was able to provide services and accommodations. Kara stated there are ways to improve this process. Kara asked if anyone had any questions for her. Ms. Meitner inquired what Kara's vision for CIAC was. Kara stated this council is unique because of the defined vision. It touches all parts of DNREC. We do have a general consensus that the council is effected by the grant program and move forward with Environmental Justice and community outreach. We would like to see a broader dialog in engaging the community better. We would like this council to help us with that and help DNREC be held accountable. Mr. Thomas stated that he sees this council as a broad area across the agency, but believes there are other sections with Ombudsman. Kara advised there are three Ombudsman within DNREC. She advised that there is great merit in meeting at different locations and trying to engage the community at night and she hopes the discussion continues. She also advised that another thing to think about is to bring a particular program in to speak to the council. The Office of Energy and climate have a lot of grants for private citizens to switch over to cleaner fuel and a lot of

opportunities to engage the community with their programs. Ms. Meitner advised she was interested. Kara provided each member with her business card for contact information. She advised that in terms of long term vision sometimes there is a need for a facilitator or workshop that needs to take place. The department is trying to facilitate training from the Attorney General's office for boards and commissions in regards to FOIA and Open Meeting policies. Public notice requirements fall on DNREC staff. There are procedures you need to follow and documents are subject to FOIA. Ms. Owens-White inquired as to why holding an event for a community was so costly at Brandywine State Park. Kara asked that she talk to her about it more and possibly offer a different location. She advised that if there is a large event and it may require security and there is a charge for that, but she would look into a waiver.

X. Community Environmental Project Fund

A. 2015 Delaware Center for Horticulture Report

James advised this project was closed after staffing issues came up, but the physical rebuilding was complete with around \$6000 being returned. These funds will be used in the next funding cycle. The main goal was to rebuild the garden on 7th and Madison and that work has been completed. Mr. Julis advised the outcome is trees that you can't plant on the street anymore. James advised the city requires installation regulations and it has driven the costs up. Kara stated she thinks they've used various techniques throughout the city and could show big pictures of how important they are. Trees improve their air quality and increase the value of your home. Mr. Thomas stated the neighbors have had to incur the costs. Mr. Pelham inquired who installs the trees public works or Parks & Recreation. Kara stated public works with a tree ordinance. James stated that they wanted residents to adopt-a-tree, but didn't have the connections with the community to oversee the planting and care of trees and now the costs associated with it. Mr. Thomas advised that in Southbridge the majority of the experiences have been bad. He stated that one resident had a tree grow right into her basement causing damage. Mr. Thomas advised that resident had to pay for the damages.

B. Town of Leipsic update

James advised the town council voted to accept the funding and approve the contract. They extended an invitation to tour Leipsic to point out some of the amenities that they would like to develop. He advised if council members are interested they are invited to meet in Leipsic during our next meeting on August 4.

C. AmeriCorps-Karen Minner

James introduced Karen Minner from DNREC for AmeriCorps. The rental of the vehicle and trailer for the volunteers has been complete. The trailer is parked out on the far side of the parking lot for the council members to view. Karen advised that there are currently five veterans doing conservation work removing invasives from trails throughout the State Parks. Fish & Wildlife have provided assistance with tree

removal. They have performed some storm damage repair with the opportunity of having their own tools and the program has been a success. She advised they are entering into the second year and requested an extension of the team on the federal level. They have unofficially approved the extension request so it will be tripling in size. Karen introduced members of the team that were present. She thanked the council for the opportunity to be considered for the funds and invited the council members to view the trailer while it is on site. Mr. Pelham stated that this is the type of organization that should be commended. Pat advised he would look into it.

XI. Open Forum

XII. Adjournment

The meeting was adjourned at 11:30 a.m.

Respectfully submitted,

Nicole Bixby

Administrative Specialist II, DNREC, State of Delaware

The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Community Involvement Advisory Council members and the public in supplementing their personal notes and recall of presentations.